

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff	:	
	:	
v.	:	Civil Action No. 06-409-GMS
	:	
M.A. HANNA PLASTICS GROUP, INC.,	:	
WILMINGTON ECONOMIC	:	
DEVELOPMENT CORPORATION	:	
AND SIDNEY AND CAROL MAFFETT	:	
	:	
Defendants	:	

WILMINGTON ECONOMIC DEVELOPMENT CORPORATION'S ANSWER AND  
AFFIRMATIVE DEFENSES TO CROSS-CLAIM OF SIDNEY AND CAROL MAFFETT

Wilmington Economic Development Corporation ("WEDCO") hereby answers the cross-claim of Defendants Sidney and Carol Maffett (collectively the "Maffetts") as follows:

1. WEDCO hereby incorporates by reference its answer, affirmative defenses and cross-claims to Plaintiff's Complaint.
2. The allegations of Paragraph 1 of the Maffetts' cross-claim contain a characterization of the nature of the action and the requested relief, to which no responsive pleading is required. To the extent a response is deemed necessary, said allegations are denied.

AFFIRMATIVE DEFENSES

WEDCO asserts the following affirmative defenses in response to the Maffetts' cross-claim:

FIRST AFFIRMATIVE DEFENSE

3. The Maffetts' cross-claim fails to state a claim upon which relief may be granted.

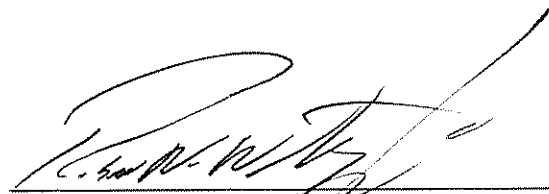
SECOND AFFIRMATIVE DEFENSE

4. To the extent that there was a release or threatened release of a hazardous substance at the 12<sup>th</sup> Street Dump Site that caused the United States to incur costs of removal or remedial action, that release or threat of release and the resulting costs were caused solely by the act or omission of a third party or parties other than an employee or agent of WEDCO and not in connection with a contractual relationship with WEDCO; WEDCO exercised due care with respect to any hazardous substance consistent with its knowledge at the time; and WEDCO took precautions against foreseeable acts or omissions of any such third parties and the consequences that could foreseeably result from such acts or omissions. As such, WEDCO is not liable pursuant to 42 U.S.C. § 9607(b)(3).

THIRD AFFIRMATIVE DEFENSE

5. WEDCO was not the proximate cause of any response costs, injuries, or damages relating to the alleged release or threatened release of hazardous substances; therefore, no liability exists on the part of WEDCO for any such costs, injury or damages.

WHEREFORE, WEDCO respectfully requests that this Court enter judgment in its favor and against the Maffetts with respect to the cross-claim alleged against WEDCO by the Maffetts; deny the relief requested by the Maffetts in their cross-claim; dismiss the cross-claim with prejudice; award WEDCO its attorney's fees and costs; and grant WEDCO such other and further relief as this Court deems just and proper.



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**CERTIFICATE OF SERVICE**

I hereby certify that on September 7, 2006, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following and which has also been served as noted:

**BY U.S. MAIL**

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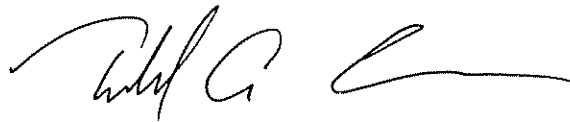
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I hereby certify that on September 7, 2006, the foregoing document was sent to the following non-registered participants in the manner indicated:

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